

# IN THE DISTRICT COURT OF CHERRY COUNTY, NEBRASKA

THE STATE OF NEBRASKA,  
Plaintiff,

vs.

DARRELL T. BATES,  
Defendant.

Case No. CR01-32

## JUDGMENT AND SENTENCE

**HEARING DATE:** October 4, 2002.

**APPEARANCES:**

For plaintiff: Eric A. Scott, Cherry County Attorney.  
For defendant: defendant with counsel, Bill Quigley.

**CHARGES:** Count 1: Assault in the Third Degree; § 28-310; Class I misd.

**PROCEEDINGS:**

Prior Proceedings: ☐ reviewed by court;  
☐ no motions;  
☐ motion for \_\_\_\_\_ considered,  
☐ no evidence, ☐ evidence for defendant, ☐ evidence for plaintiff,  
argument for defendant: ☐ heard ☐ waived,  
argument for plaintiff: ☐ heard ☐ waived,  
motion is ☐ denied ☐ granted, further relief \_\_\_\_\_

Restitution Hrg: ☐ plaintiff waives/previously waived restitution.  
Presentence: ☐ presentence report disclosed to defendant  
☐ defendant has reviewed report  
☐ defendant has not reviewed report, granted add'l time, recess taken  
☐ defendant has not reviewed report, waives further review  
defendant's objections, additions, corrections: ☐ none ☐ stated, ruling on record  
plaintiff's objections, additions, corrections: ☐ none ☐ stated, ruling on record

Evidence: plaintiff: ☐ has no evidence ☐ adduces evidence on sentencing  
defendant: ☐ has no evidence ☐ adduces evidence on sentencing

Arguments: argument of plaintiff's counsel is: ☐ heard ☐ waived  
argument of defendant's counsel is: ☐ heard ☐ waived

Allocution: upon inquiry by Court, defendant:  
☐ states no reason why sentence should not be pronounced, and,  
☐ makes no statement ☐ exercises right of allocution


**FINDINGS:** ☐ stated on record ☐ not specifically stated


**SENTENCE:** IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the


defendant is sentenced:


- On Count No. 1:
- ☞ to imprisonment and committed to the Cherry County Jail for a period of 120 days, with 31 days credit for time served before sentencing; and,
  - ☞ to pay court costs of \$\_\_\_\_\_ to the clerk of this court within 90 days after defendant's final release date from imprisonment.
- Further App.:
- ☞ In the event the defendant shall fail to pay any costs as ordered above, the defendant shall appear at the first regular session of this court after the expiration of time for payment thereof, and show cause, if any there be, why the defendant should not be held in contempt of court and punished for failure to comply therewith.
- Good Time:
- ☞ As required by law, the court advised the defendant on the record of the time required to be served on the sentence, assuming no good time for which defendant is eligible is lost.
- Bond:
- After deduction of any statutory fees, the defendant's bond:
- ☞ is released, discharged, and any surety thereon exonerated.
  - ☞ was previously forfeited.
- Stay:
- Upon defendant's motion, and after consideration of any objections thereto and arguments thereon, the:
- ☞ request for stay of execution is denied.
  - ☞ execution of sentence is stayed, upon verbal notice of intention to appeal, until the first to occur: (1) expiration of time for appeal if no appeal is timely perfected, or, (2) entry of judgment upon mandate of the appellate court if appeal is timely perfected. Upon expiration of stay, commitment shall issue in accordance with the final judgment and the defendant shall surrender to county sheriff for execution of sentence.
  - ☞ Upon any failure to appear and surrender, upon appropriate affidavit and motion, the defendant shall be subject to: (1) forfeiting bond, (2) prosecution for the separate crime of Failure to Appear, and/or (3) arrest upon bench warrant.


Signed at **Valentine**, Nebraska, on **October 4, 2002**;  
DEEMED ENTERED upon file stamp date by court clerk.  
If checked, the court clerk shall:

 Mail a copy of this judgment to all counsel of record and any pro se parties.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

 Immediately transcribe trial docket entry dictated in open court.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

 Deliver certified copy of judgment and original commitment to sheriff for execution of sentence.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

 Mail postcard/notice required by § 25-1301.01 within 3 days.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

 Enter judgment on the judgment record.  
Done on \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_.

Mailed to:

BY THE COURT:

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William B. Cassel  
District Judge